

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KELVIN VAZQUEZ,

Plaintiff,

v.

MITCHELL, ET AL.,

Defendants.

BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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09 Cv. 7306 (BSJ) (MHD)  
Order

On August 19, 2009, Plaintiff Vazquez filed a complaint in this action. On January 15, 2010, Magistrate Judge Michael Dolinger issued a Report and Recommendation that the complaint be deemed withdrawn. For the reasons stated below, Magistrate Judge Dolinger's Report and Recommendation is adopted in its entirety.

Analysis

When a magistrate judge has issued findings or recommendations, the district court "may accept, reject, or modify [them] in whole or in part." 28 U.S.C. § 636(b)(1)(C). The Court reviews de novo any portions of a Magistrate Judge's R&R to which a petitioner has stated an objection. See 28 U.S.C. § 636(b)(1)(C); United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997). "Where no objections are filed . . . the court reviews the report for clear error." Brown v. Ebert, No.

05 Civ. 5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006) (citing Gardine v. McGinnis, No. 04 Civ. 1819, 2006 WL 3775963, at \*4 (S.D.N.Y. Dec. 20, 2006)).

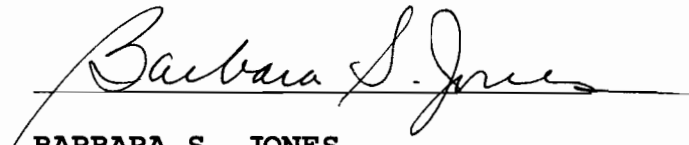
In this case, Magistrate Judge Dolinger issued a Report and Recommendation to this Court, indicating that he had received a letter dated January 10, 2010 from Plaintiff Vazquez requesting permission to withdraw his complaint because he no longer wishes to litigate the issues raised in it. Magistrate Judge Dolinger recommended that this Court deem the complaint withdrawn and directed the parties to file any objections to the Report and Recommendation within 14 days.

To date, this Court has not received objections from any party. Furthermore, this Court finds no clear error in Magistrate Judge Dolinger's findings.

Conclusion

For the reasons stated above, Magistrate Judge Dolinger's Report and Recommendation is adopted in its entirety and Plaintiff's complaint is deemed withdrawn. The Clerk of the Court is directed to close the case.

SO ORDERED:

  
**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
August 14, 2010